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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,983	05/08/2001	Kenichi Kikuchi	Q64347	1354

7590 10/06/2004

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

ALAM, SHAHID AL

ART UNIT PAPER NUMBER

2162

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/849,983	KIKUCHI, KENICHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shahid Al Alam	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. Claims 1 – 14 are pending in this Office Action.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 5, 8, 11, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (Related Art, hereinafter "APA").

With respect to claim 1, APA discloses a multi-program processing system in which a plurality of programs can operate simultaneously, comprising: exclusion control means for applying exclusion control to a file to be an object of reference to and update of said plurality of programs by a unit of a block (APA, page, 1, lines 11 – 16); and

retaining means for temporarily retaining the block before update corresponding to the block being updated by the programs (APA, page 1, lines 17 – 20),

wherein while either a deadlock or an abnormal termination occurs in a certain program and updates up to then are rolled back, reference and update to a block to be an object of said rollback from another program are allowed by using said block temporarily retained in said retaining means (APA, page 1, line 21 – page 2, line 2).

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As to claim 4, said rollback means makes rollback to a block unnecessary if said block is updated by another program, and performs rollback to said block if said block is not updated by said another program (APA, page 1, line 21 – page 2, line 2).

As to claim 11, If a request from said program is update, a block before update is saved from a data file in which said file to be an object of reference and update is stored to said retaining means and said data file is updated thereafter (APA, page 1, line 21 – page 2, line 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 7, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA as applied to claim 1 above, and further in view of U.S. Patent Number 5,933,838 issued to David Lomet ("Lomet").

As to claim 2, APA teaches exclusion control means performs said exclusion control according to recorded contents of said block (APA, page 1, lines 11 - 16).

APA does not explicitly teach **a block state table** for retaining program identification information for specifying a program that is utilizing said block for each block of said file and information indicating whether or not said block is being rolled back as claimed.

Lomet teaches claimed block state table for retaining program identification information for specifying a program that is utilizing said block for each block of said file and information indicating whether or not said block is being rolled back (column 6, lines 2 – 6, column 13, lines 65 – 67 and column 14, Table 1; Lomet).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was to combine the teaching of Lomet with the teaching of APA to optimize the application read operation to avoid writing the object data read to the log record. Posting the read values to the log is helpful in one sense because the cache manager is not concerned about which sequence to flush objects (column 6, lines 40 – 44; Lomet).

With respect to claim 3, APA teaches rollback in said retaining means back to a file corresponding to said block to cancel update when either said deadlock or said abnormal termination occurs in a reference and update request from said program (APA, page 1, line 17 – 20).

APA does not explicitly teach means for writing a block before update temporarily retained as claimed.

Lomet teaches claimed means for writing a block before update temporarily retained (column 13, line 59 – column 14, line 32; Lomet).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was to combine the teaching of Lomet with the teaching of APA to

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optimize the application read operation to avoid writing the object data read to the log record. Posting the read values to the log is helpful in one sense because the cache manager is not concerned about which sequence to flush objects (column 6, lines 40 – 44; Lomet).

The subject matter of claim 9 is rejected in the analysis above in claim 3 and this claim is rejected on that basis.


The subject matter of claim 10 is rejected in the analysis above in claim 3 and this claim is rejected on that basis.

Claims 5 – 8 and 12 – 14 are essentially the same as claims 1 – 4 and 9 – 11 except that they set forth the claimed invention as a method rather than a system and rejected for the same reasons as applied to hereinabove.

**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (703) 305-2358 (Effective October 21, 2004, the new number should be (571) 272-4030). The examiner can normally be reached on Monday-Thursday 8:00 A.M. - 4:00 P.M.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790 (Effective October 21, 2004, the new number should be (571) 272-4107).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Shahid Al Alam  
Primary Examiner  
Art Unit 2172

30 September 2004